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League. I do not desire to oppose that organization, but it only occurs to me to make this suggestion. Certainly the part of the national income which is now being devoted to such matters is very great and it ought to be amply sufficient. I cannot have any sympathy with any demand for greater military expenditures. We have an army. We have a navy. If these organizations should concentrate their energy and attention upon making this army and this navy as perfect, as honest, as fine an instrument as exists in the world, then I could understand their striving. But as you well know, the administration of these, especially of the army, is not at all on a basis of efficiency.

It was stated that the preparation for war is the secret means of avoiding it. We are yesterday and today witnessing in Europe a state of tension that is being brought to a climax. Every one here knows that if there is a great war in Europe today it is due to armaments. It is due to the fact that these tremendous organizations are such a burden upon the European population that they will say, "Let us at last have war and be through with it." A very weak point of the advocacy of war at the present time is this: it can never go on; it can never succeed without the misrepresentation of the motives and purposes of other nations. One of the most active advocates of increased armaments, Mr. Hobson, years ago prophesied that within two years or eighteen months of that time there must be a war between United States and Japan. He imputed to the Japanese nation the purpose of making war, and at one time staked his reputation upon it. It is true at the present time his influence in Congress is somewhat diminished on account of so often crying war. But what was the next thing when there happened to be no Japanese war scare available! The next best scare was that proceeding from Germany. You remember that in the debates in Congress those who advocated the increase of armament held up Germany as a threatening danger to the United States, entirely forgetting that even if Germany should desire such a policy it could not at the present time afford to send even a single vessel for hostile purposes to America. Some nation must be held up as an enemy. Now, that I consider very bad. There is only one thing worse and that is as bad as murder—spending money in large amounts for the purpose of stirring up hatred on the part of those who profit from the furnishing of war material. I think that the revelations that have come out in Germany, with respect to the expenditures of the Krupp firm in France to stir up French nationalism, will do more to prevent a war than anything else, and yet that is going on all of the time. When I was in South America, in Argentina, the European furnishers of arms were conducting a concerted campaign to make Argentina believe that the Brazilians were anxious to make war against them. Are we then as a nation, as individuals, in the condition of a bull that is being led into the Spanish fighting ring not quite ready to go ahead, but having the fiery barbs shoved into our living flesh? That seems to be necessary in every case where the proposal is brought forward to increase armaments.

We regret to note the recent death of Baron Carl Carlsson Bonde, a distinguished member of the Swedish Parliament, who presided over the Eighteenth International Peace Congress at Stockholm, Sweden, in 1910.

Economic Sanctions in Cases of Violation of International Law.*

By M. A. de Maday, Professor in the University of Neuchâtel.

The question of sanctions is one of the chief problems of international law. The majority of jurists consider the sanction as an essential, and therefore indispensable element of law. Generally speaking, every positive law prescribes sanctions which assure its execution, and in this respect international law is almost a solitary exception. The absence of sanction has grave consequences for international law. Law is composed of two elements: an advantage assured to somebody and an obligation imposed on somebody. The interested parties willingly profit by the advantages, but they are quite ready to escape from the obligations. That is why the sanction is necessary. When that is absent it can easily happen that the parties only accept the decisions which are in their favor, only respect the law so far as it is useful to them, and only obey the decisions where their execution is not burdensome.

In order to find a remedy for this state of things, sanctions must be created for international law. But it is exactly here that legislators are faced with difficulties. Up to the present only two methods of attaining the object have been put forward.

The first is to follow the example of juridical systems already in existence within States—that is to say, to create an armed international force (police, gendarmerie). In cases where it was proposed to compel a recalcitrant State to obedience, this gendarmerie or international police would be in reality an international army. If it is strictly logical to adopt this solution, by which federations of modern states, the United States of America, Switzerland, etc., for example, have passed through a warlike phase before having definitively assured their union, on the other hand it is easy to understand that the pacifists, foes of homicidal violence, use every effort to discover other sanctions and only resign themselves to the sanction of arms where every other solution is impossible. But it is not only the pacifist principle which calls for effort to avoid the sanction of arms, there is another reason for trying to find other solutions: it is that of every kind of sanction, it is the sanction of arms which appears to meet with most obstacles. International law already meets with difficulties from the fact that every state is afraid of compromising its sovereignty by submitting to the decrees of international law; now nothing could more limit this sovereignty than submission to an armed force (one does not wish to say, however, that such a limitation could not be justified in such a case). We must endeavor, then, to find means less likely to touch national sensibility and at the same time respect as far as possible the sovereignty of states. Thus it is that economic means are being sought for which might serve as sanctions for international law.

Economic sanctions for international law would be measures having for their object to compel a state to obedience to international law by inflicting economic damage on it.

* Report presented to the International Peace Bureau for transmission to the Hague Congress, August, 1913.

In 1905 the Lucerne Congress endorsed the employment of an economic measure against war by expressing the desire that neutral governments should prohibit the public issue of war loans on their territory by a belligerent state. The Milan Congress (1906), on the proposal of Professor Richet, recommended to the attention of the Hague Conference a whole series of economic measures intended to serve as sanctions for the execution of arbitral decisions. And at the Geneva Congress last year the section of Sociology, which had just been formed, had before it the proposal of M. Léon Bollack concerning a general law of customs boycott.

The general law of customs boycott, according to its author, should be an economic sanction in case of violation of the principles of international justice, by putting in force just reprisals against a rebellious or unjust nation. The customs boycott should be applied:

(a) In case of refusal to abide by an arbitral decision;

(b) In case of refusal to appear in court on a citation for arbitration before the international high court of justice.

The customs boycott would consist, according to M. Bollack, in a prohibitive duty fixed at 100 per cent of the value of the trade, applied to every natural product or manufactured article which the boycotted nation wished to introduce into any other nation.

This proposal met with a certain amount of opposition at the Geneva Congress, with the result that its further discussion was adjourned to the next Congress. Meanwhile the writer of these lines, one of the opponents, was appointed reporter on the question.

I had no objection in principle to the proposal of M. Bollack; on the contrary, I am of opinion that every pacifist would be happy if we had discovered some economic means of breaking the power of the bayonet. If I was not opposed to the proposal it was precisely because I was of opinion that this discovery had not yet been made. As concerning the customs boycott, I found this idea good enough in itself, but unworkable in practice. I foresaw, for instance, that this international boycott would do more harm to the boycotters than to the boycotted.

Having been charged with the duty of reporting on this question, I have considered more closely with the help of historical facts and figures whether the fears I expressed at Geneva were justified. The conclusions at which I have now arrived appear to me to confirm the reasons for my opposition.

Let us examine briefly the various economic sanctions for international law and their probable result.

I. PROHIBITION OF LOANS CONTRACTED ABROAD.—This could be done as well in the case of war as in other cases of violation of international law.*

(a) In the first case the application of this sanction is very problematical: it depends on chance. As a matter of fact, many countries could make war successfully without ever contracting loans abroad; the national wealth would suffice. On the other hand, in cases where a belligerent was compelled to seek help from

abroad, the *obligatory* refusal of the other countries might, in such a case, put an end to the war. But here also reserves have to be made; it might well happen that a rich, aggressive and powerful country might be opposed to a poor and weak country, and by refusing a loan to the latter the victory of the aggressor would be assured. It follows that even the refusal of loans to belligerents cannot be erected into a general principle, obligatory on all the states forming part of the international union.

(b) In the case of violation of international law without war, the non-execution of an arbitral decision, for example, the prohibition of loans contracted abroad would become a still more exceptional measure; it could not then provide the solution we are seeking.

II. THE BOYCOTT.—This might be put in force either by the population or by the government.

(a) *Boycott Enforced by the Population.*—This boycott consists in the refusal by the public to buy goods from the boycotted country and in the refusal of the workers to do work for the boycotted country or people coming from it. (*A strike with the boycott as object.*) Such boycott was employed by the inhabitants of Turkey against Austria-Hungary at the time of the annexation of Bosnia and Herzegovina. It is undeniable that such a measure, if it became general, might exercise useful influence in the direction of international peace. But from its very nature a popular initiative of this nature would remain outside international law, and could not be considered as an institution of international law, seeing that international law is not yet democratised. But there is not only this difficulty of form; a spontaneous boycott enforced by the people could not become universal for the same reasons which prevent the execution of the universal boycott by the governments, and which we shall now proceed to discuss.

(b) *Boycott Enforced by the Government.*—The Milan Congress of 1906 proposed among other sanctions for international law *economic isolations* and the *suspension of treaties of commerce* with the country that had broken the law. Taken seriously, this means that all relations should come to an end between the boycotted countries and the others. The international service of transport, navigation, post, telegraphs would have to cease on their frontiers. That would evidently be a measure which would very quickly cause the boycotted country to yield. Moreover, this boycott has already been put in practice: it is what Napoleon undertook against Great Britain by declaring the *Continental Blockade*. But the experience of the Continental Blockade exactly proves the absolute failure of the system. The Continental Blockade forbade all trade with Great Britain. All merchandise belonging to England or coming from its factories was declared a lawful prize. No British ship was to be allowed in European ports, and it was forbidden to all ships to anchor in British ports. Every ship which should be subjected to the search and taxation of the English was declared denationalized and a lawful prize. Now this attempt of Napoleon to organize a general boycott could only be realized and maintained with the help of arms, all those who contravened it being threatened with armed intervention on the part of France. It follows that the Continental Blockade can in no way be quoted as an argument in favor of the possibility of an economic boycott.

* This measure has been supported by Maxime Gorki, Anatole France, Rudolf Martin, and many others (without success), not against an international law violating the law of nations, but against the Russian oppression when it wished to make use of foreign money to strangle the liberation movement.

It must be added, too, that in spite of means of pressure which a pacific boycott would never have at its command, the Continental Blockade was not strictly observed; in this regard nothing is more characteristic than the fact that the weapons of the grand army were to a great extent supplied by England.

If a general boycott such as the Continental Blockade encountered great difficulties in the time of Napoleon, these difficulties could only be increased with the growth of time, in view of the extraordinary development of international relations. No one in our days could dream of the complete isolation of a people, and especially of the interruption of international communications for eight years. If the desire for an economic boycott be insisted on, choice must first be made among the methods, and the economic relations that it is desired to prevent distinguished from those it is not proposed to touch. This has been done by M. Bollack, who abandons the idea of interfering with the international services of navigation and the post and confines himself to the attack on commerce. His proposal only foreshadows a boycott limited to the international exchange of merchandise. The idea is very seductive; we know that the economic position is the very foundation of the national life, and at first sight it would appear excellent to restrain recalcitrant nations not by making them shed blood, but by attacking their exchanges. Looked at more closely, however, this beautiful plan appears to me incapable of realization.

M. Bollack proposes a prohibitive duty of 100 per cent on the goods of the boycotted country. Now such a prohibitive duty would have two evil consequences. Immediately in case of the international boycott of a single nation, it would be inevitable that certain boycotting nations would have more to suffer from their action than the boycotted nation itself. There are nations who by this boycott would see themselves deprived of commodities necessary for the national food supply, and the boycott would result in scarcity, and even famine, in some of the boycotting countries. In this relation it will be sufficient to recall the figures put forward by Dodge, and quoted by Professor Loria, according to which Italy, if she depended only on her own corn, would fast 36 days a year, France would be in the same case for 37 days, Germany 54, and England 187. It is clear, then, that the boycott would be in a number of cases a crying injustice; it would perhaps avoid war to replace it by famine; it would be to fall from Charybdis to Scylla.

All this is so very clear that it is quite comprehensible that the boycotted nation would not allow itself to be so treated.

There would be a repetition of what happened on the subject of the Continental Blockade. The boycott would cause reprisals on the part of the boycotted country which would itself raise repressive customs against its boycotters and a formal customs war would break out. All who know the painful, often even disastrous, effects of customs wars will understand that, in such a case, the boycotting countries which have not been hit by the boycott that they are themselves imposing, and which close their frontiers against imports, might on the other hand be hit by the reprisals which close the frontiers of the boycotted country to their exports. That was what happened to Russia at the time of the

Continental Blockade. England had prohibited the importation of hemp and corn from Russia, which brought about a grave crisis in Russia and much irritation of public opinion. The consequence was that Russia, which had no special interest in boycotting England, abandoned the blockade and brought about its failure. The example of Russia might easily be repeated if the general law of boycott were accepted. A country living on good terms with its neighbor, with which it was linked in close economic relations, before boycotting that country which had done it no wrong would very quickly be induced to join not the boycotters but the boycotted.

Now it can easily be foreseen that such desertion of the common cause would lead to new conflicts instead of settling the question of which the boycott was to find the solution, and these conflicts would not fail sooner or later to bring about exactly what it was desired at all costs to avoid—war. In this connection it is enough to recall the opinion expressed at several international peace congresses, particularly those of Monaco (1902) and Rouen (1903), which declared that protection is one of the chief causes of international disagreements, while free trade is an international state of things which prevents such conflicts from arising. The general law of customs boycott by trying to combat war by protection *à outrance*, is likely to create precisely those international disputes to which it would seem we owe the majority of wars.

CONCLUSIONS.

Having examined the problem of economic sanctions for international law, and especially the customs boycott, it seems to me that the conclusions to which I am driven are unfavorable to the employment of these measures.

I would not desire, however, to assume the responsibility of attacking an illusion dear to all pacifists and containing a germ of truth. I have therefore arrived at an intermediate solution by suggesting that you should come to a definitive decision, but study the question more deeply by an inquiry.

We find ourselves in the presence of one of the most important problems of international law, and we ought to express an opinion on a measure: the universal boycott which may injure the vital interests of the nations whose rights we claim to defend. Such a decision demands that we should not be contented with an individual report; in this case the reporter might undertake an inquiry in the different countries with the help of collaborators, each of whom would examine the problem from the point of view of his own country. On the other hand, I hope that those members of the Hague Congress who take part in the work of the section of Sociology will make useful contributions toward the deeper study of the problem. For my part, I propose that the following resolution be adopted:

PROPOSED RESOLUTION.

The congress requests the reporter on economic sanctions for international law to undertake, with the cooperation of economists in different countries, an inquiry on the subject of the economic consequences which the establishment of the general law of economic boycott might have in their respective countries.